

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JESUS J. DELEON,

Petitioner,

v.

**MEMORANDUM OF LAW & ORDER
Civil File No. 05-2022(MJD/FLN)**

UNITED STATES OF AMERICA,

Respondent.

Jesus J. Deleon, pro se.

John R. Marti, Assistant United States Attorney, Counsel for Respondent.

The above-entitled matter comes before the Court upon the September 1, 2005, Report and Recommendation of United States Magistrate Judge Franklin L. Noel. The Report and Recommendation ("R&R") recommended that this action be dismissed for lack of jurisdiction, pursuant to Rule 4 of The Rules Governing Section 2254 Cases In The United States District Courts. Plaintiff has filed an objection to the R & R.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated September 1, 2005.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED that:

1. The Magistrate Judge's Report and Recommendation dated September 1, 2005, [Docket No. 2] is hereby **ADOPTED**.
2. Petition for Writ of Habeas Corpus, filed by Jesus J. Deleon, [Docket No. 1] is **DENIED**.

Dated: October 14, 2005

S/ Michael J. Davis
Judge Michael J. Davis
United States District Court